

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**INEZ CAIN a/k/a EVE HALLIBURTON,**

**Plaintiff,**

**-against-**

**SIMON & SCHUSTER, INC. and KAREN  
HUNTER,**

**Defendants.**

**Case No. 11-CV-4460 (SAS)**

**ECF CASE**

**NOTICE OF MOTION**

**TO:** Brian Dratch  
Franzblau Dratch P.C.  
233 Broadway, Suite 2701  
New York, NY 10279

Russell M. Yankwitt  
Yankwitt & McGuire, LLP  
140 Grand Street  
White Plains, NY 10601

**PLEASE TAKE NOTICE** that the undersigned attorneys for the defendant Simon & Schuster, Inc. ("S&S") will apply before the Honorable Judge Shira A. Scheindlin of the Southern District of New York at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, New York, in Courtroom 15-C, at a time to be determined by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the amended complaint with prejudice as asserted against S&S on the grounds that it fails to state a claim upon which relief may be granted. In support of this motion, S&S relies upon the accompanying Memorandum of Law.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's March 21, 2012 Scheduling Order, answering papers, if any, are to be filed and served by May 16, 2011; and reply papers, if any, are to be filed and served by May 30, 2012.

Dated: New York, New York.  
April 18, 2012

Respectfully submitted,  
VEDDER PRICE P.C.

By: /s/ Laura Sack

Laura Sack  
Michael Goettig  
1633 Broadway  
47th Floor  
New York, New York 10019  
+1 (212) 407-7700  
+1 (212) 407-7799

*Attorneys for Defendant  
Simon & Schuster, Inc.*